



S/N 09/778,973

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	GOEDEL	Examiner:	SWINEHART, E.
Serial No.:	09/778,973	Group Art Unit:	3617
Filed:	FEBRUARY 6, 2001	Docket No.:	12570.1USC1
Title:	PHOSPHORESCENT MARINE PRODUCTS		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on July 2, 2001.

By: Shannon M. Stang
Name: Name SHANNON M. STANG

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

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TO 3600 MAIL ROOM

This paper is being submitted in response to the Restriction Requirement mailed June 5, 2000. Applicant submits that the following amendments and remarks place the application in condition for allowance and respectfully request withdrawal of the rejections.

In the Claims

Please cancel 22-25 without prejudice.

Restriction Requirement

This application contains claims directed to the following: Claims 22-25 drawn to a boat accessory and claims 26-29 drawn to a floatation device, that the Examiner asserts are patentably distinct

The Examiner required Applicant under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.



Applicant respectfully traverses the Restriction Requirement and species election and hereby elects claims 26-29 drawn to a floatation device and elects the "buoy cap" species. Claims 26, 27, 28 and 29 read thereon.

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Double Patenting

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The Examiner states that he believes that this application contains common subject matter with parent application 09/152,377 and double patenting is believed to be present. However, the parent application was unavailable to the Examiner. Therefore, the Examiner has indicated that Applicant is urged to file a terminal disclaimer in response to this action.

The Assignee of the present application has prepared and signed a terminal disclaimer and certificate under 37 C.F.R. § 3.73(b), thereby overcoming the double patenting rejection in the present application.


Conclusion

Should the Examiner feel a telephone interview would be helpful in advancing this case to allowance, Applicants invite the Examiner to contact their representative at the number listed below.

Respectfully submitted,

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Dated: 7-2-01

By: 
Brian C. Whipps
Reg. No. 43,261

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